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REMARKS

Claims 1-36 are pending in this application.

Applicants gratefully acknowledge the Office Action's indication of allowable subject matter in claims 8 and 25. However, for the reasons set forth below, Applicants respectfully assert that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

The Office Action maintains the rejection, under 35 U.S.C. § 102, of claims 1-7, 9-24, and 26-36 over Vainio et al. (U.S. Patent No. 6,577,721). This rejection is respectfully traversed.

Applicants assert Vainio does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of a connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

In the "Response to Arguments" section, the Office Action selects an isolated section from Applicants' specification in an attempt to equate what is disclosed in Vainio et al. with a flash with information message. Unfortunately, this does not change the fact that Vainio et al. does not disclose a flash with information message. For example, the Office Action appears to be attempting to establish that actions performed in the Vainio et al. reference perform similar functions to a flash with information message. Regardless of whether that allegation is not true, the allegation in the Office Action appears to admit Vainio et al. does not disclose each and every element as set forth in the claim because the allegation only attempts to establish functional equivalence without actually providing the claimed element. Thus, Vainio et al. does not disclose a flash with information message.

Furthermore, Applicants assert the Office Action is improperly selecting an isolated section of Applicants' application to define a claim term without establishing why the selected section provides a proper definition of the term.

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Additionally, Applicants assert the cited sections in Vainio et al. do not even disclose what is selected from Applicants' specification, aside from whether or not the selected section is not a proper definition of the term. In particular, col. 3, lines 41-43 only disclose, "the calling party, via the radiotelephone, requests the telecommunication network to put this call on hold." This is not the disclosure of a flash with information message including a connection control information record. Furthermore, col. 4, lines 55-60 only disclose, "the control means 11 instructs the telecommunications network 18 to place this call on hold. This process is controlled by the control means 11 without any need for manual intervention." Again, this is not the disclosure of a flash with information message including a connection control information record.

Thus, Vainio does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of a connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

Applicants' comments from the previous Amendment are included below for the Examiner's convenience:

Vainio has absolutely no disclosure of a flash with information message and the Office Action does not indicate a section of Vainio that includes this feature.

In fact, the only disclosure in Vainio of the transmission of any message at all is that of a "set-up message" at col. 4, lines 35-36, which discloses "The radio telephone then transmits to the network a set-up message which contains the called parties telephone number. The network routes the call to the desired telephone and assigns a traffic channel for the exchange of user data. If the called telephone is not busy the network alerts the calling radio telephone, typically by the user hearing a ringing tone. The connection is established when the called telephone is brought off the hook." However, this is not the disclosure of a flash with information message.

In fact, this is the opposite of a disclosure of flash with information message that includes a connection control information record that controls a connection status of a connected first party. In particular, Vainio only discloses "the connection is established" at col. 4, lines 41-42 after the set-up message is transmitted at col. 4, lines 35-37. Thus, the set-up message cannot be used in reference to a connected first party. More particularly, the set-up message is transmitted

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before a connection is established. Therefore, the first party is not connected when the set-up message is transmitted. Accordingly, the set-up message cannot contain a connection control information record that controls a connection status of a connected first party.

Therefore, not only does Vainio have no disclosure of a flash with information message, but the only disclosure in Vainio of the transmission of any message at all cannot be a flash with information message that includes a connection control information record that controls a connection status of a connected first party.

Thus, Vainio does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of the connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

Therefore, Applicants respectfully submit that independent claims 1, 13, 18, 30, and 35 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-36 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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